THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23317 of 2007

Date: 18.12.2007

Between:

Badreddy Anantha Padmavathy

... Petitioner

AND

State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Revenue Department, Secretariat,
Hyderabad & others.

... Respondents

Counsel for the petitioner : Sri Ch. Dhanamjaya

Counsel for the respondents: Assistant Government Pleader
for Land Acquisition

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23317 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare notification dated 26.06.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'), as illegal, without jurisdiction and violative of principles of natural justice. The petitioner also sought for a direction to the respondents to drop all further proceedings including her dispossession from Ac.4.10 cents in Sy.No.82/3A1A situated at Thantikonda Village of Gokavaram Mandal, East Godavari District.

Heard Sri Ch. Dhanamjaya, learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition.

A perusal of the record shows that in order to provide house sites to the weaker sections of Thantikonda Village of Gokavaram Mandal, East Govadari District, respondent No.2 issued notification dated 26.06.2007 under Section 4(1) of the Act and entrusted the function of holding enquiry under Section 5A of the Act to the Sub-Collector/Revenue Divisional Officer, Rajahmundry. In the said notification an extent of Ac.4.10 cents of land comprised in Sy.No.82/3A1A is proposed to be acquired and the name of Sri Badireddy Srinivas Rao, S/o. Surayya Alis Lachalu is shown in it.

In the affidavit filed in support of the writ petition, the petitioner averred that in the partition taken place between her

mother-in-law, husband and brother-in-law - Badireddy Srinivas Rao, the said property fell to the share of her husband and that she filed this writ petition.

It is interesting to note that the husband of the petitioner has not joined as party to this writ petition and the petitioner has not given any explanation in this regard.

Be that as it may, the petitioner assailed the proposed acquisition mainly on two grounds, namely, that she has only Ac.5.00 cents of land and the property is an agricultural land and that without its conversion for being used for non-agricultural purpose, the proposed acquisition is illegal.

On 05.11.2007, when this writ petition came up for admission, this Court directed this to be posted to 13.11.2007 to be heard along with the batch of cases filed raising similar contention relating to non-conversion. However, on 17.12.2007, the learned counsel for the petitioner made a mention that the writ petition may be disposed of without going into the said issue relating to non-conversion in view of the proposal to hold enquiry by the respondents under Section 5A of the Act with liberty to the petitioner to raise the said ground of conversion in the event of necessity in future. Accepting the said request of the learned counsel, this writ petition is being disposed of.

Since the learned counsel for the petitioner requested the Court to dispose of the writ petition without going into the merits of the contentions raised in it, the same is disposed of in the following terms:

1) The petitioner is permitted to participate in the enquiry proposed to be held under Section 5A of the Act.

2) Respondent Nos.2 and 3 shall consider objections dated 16.07.2007 and 21.10.2007 allegedly filed by the

petitioner objectively and dispose of the same after giving an opportunity of personal hearing to the petitioner/her husband, if enquiry is not already completed.

3) In the event of the respondents rejecting the petitioners' objections, she/her husband is free to avail appropriate remedy to question the said rejection; and

4) Till the disposal of the objections and completion of other legal formalities in the event of rejection of petitioners' objections, she /her husband shall not be dispossessed from the land in question.

As a sequel to disposal of the writ petition, WPMP.No.30382 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V.NAGARJUNA REDDY, J

Date: 18.12.2007
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